

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:09-CV-555-D


JOSEPH WILLIAM FISHER,)
)
Plaintiff,)
)
v.)
)
KATHLEEN SEBELIUS,)
Secretary of Health and Human Services,)
)
Defendant.)

ORDER

Joseph William Fisher (“Fisher” or “plaintiff”) attacks Secretary Kathleen Sebelius’s decision not to permit him to reinstate enrollment in Medicare Part B on a retroactive basis. The Secretary (through the Social Security Administration) explained in great detail why she would not revisit Fisher’s disenrollment. See Admin. Rec. 00406-00408. Fisher appealed and an Administrative Law Judge upheld the decision. See id. at 00118-00148. Thereafter, the Appeals Council denied Fisher’s request for review. Id. at 00084-00088. Fisher then filed suit in this court.

The Secretary seeks summary judgment. Substantial evidence supports the Secretary’s findings of fact. See Richardson v. Perales, 402 U.S. 389, 401 (1971); MacKenzie Med. Supply, Inc. v. Leavitt, 506 F.3d 341, 346 (4th Cir. 2007). The Secretary properly applied the law. Accordingly, the court GRANTS the Secretary’s motion for summary judgment [D.E. 38].

SO ORDERED. This 11 day of May 2011.


JAMES C. DEVER III
United States District Judge